

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

PATRICIA GONZALEZ and JENNIFER
GONZALEZ, individually and as co-administrators of
the Estate of KENNY LAZO,

Plaintiffs,

Docket No.: CV-09-1023
(TCP)(ETB)

-against-

COUNTY OF SUFFOLK, SUFFOLK POLICE
DEPARTMENT, POLICE COMMISSIONER
RICHARD DORMER, in his individual and official
capacity, POLICE OFFICER JOHN NEWTON, in his
individual and official capacity, POLICE OFFICER
JAMES SCIMONE, in his individual and official
capacity, POLICE OFFICER WILLIAM JUDGE, in his
individual and official capacity, POLICE OFFICER
CHRISTOPHER TALT, in his individual and official
capacity, POLICE OFFICER JOSEPH LINK, in his
individual and official capacity, COUNTY OF
SUFFOLK OFFICE OF DISTRICT ATTORNEY,
SUFFOLK COUNTY DISTRICT ATTORNEY
THOMAS SPOTA, in his individual and official
capacity, ASST. DISTRICT ATTORNEY JOHN B.
COLLINS, in his individual and official capacity, and
"JOHN AND JANE DOES 1-10" representing as yet
unknown and unidentified members of the Office of the
Suffolk County District Attorney (all in their individual
and official capacities as employees of the Office of
Suffolk County District Attorney),

Defendants.

**DECLARATION OF FREDERICK K. BREWINGTON IN SUPPORT OF
PLAINTIFFS' MEMORANDUM OF LAW IN OPPOSITION TO DEFENDANTS'
COLLINS' AND SPOTA'S MOTION FOR SUMMARY JUDGMENT**

I, **FREDERICK K. BREWINGTON**, declare under the pains and penalties of perjury,
pursuant to 28 U.S.C. Section 1746, that the following statements are true and correct, to the best of
my knowledge:

1. I am one of the attorneys representing Plaintiffs. I submit this Declaration in support of Plaintiffs' Memorandum of Law and Supporting Papers in Opposition to Defendants' Collins' and Spota's Motion for Summary Judgment.

2. Attached as *Exhibit "A"* is a true and accurate copy of the deposition transcript of Defendant John Collins, Esq., dated 10/12/2011;

3. Attached as *Exhibit "B"* is a true and accurate copy of is a true and accurate copy of the deposition transcript of Defendant John Collins, Esq., dated 6/3/2014;

4. Attached as *Exhibit "C"* is a true and accurate copy of the "Autopsy Report" of Medical Examiner Yvonne Milewski, M.D., dated 6/23/2008;

5. Attached as *Exhibit "D"* is a true and accurate copy of a letter from Frederick K. Brewington to John Collins, Esq., dated 10/17/2008;

6. Attached as *Exhibit "E"* is a true and accurate copy of the Grand Jury Minutes re: "Investigation Into The Death Of Kenny Lazo," dated 10/27/2008;

7. Attached as *Exhibit "F"* is a true and accurate copy of a press release entitled "No Indictment Following Death Investigation," dated 11/3/2008;

8. Attached as *Exhibit "G"* is a true and accurate copy of an "Internal Correspondence" to Inspector David Ferrara, from Capt. Christopher Hatton, dated 2/10/2009;

9. Attached as *Exhibit "H"* is a true and accurate copy of the Suffolk County Police Department's Internal Affairs Investigation re: Kenny Lazo, dated 2/9/2009;

10. Attached as *Exhibit "I"* are true and accurate copies of various "internal Correspondences" and "Supplementary Reports" with various dates;

11. Attached as ***Exhibit "J"*** is a true and accurate copy of a Department memorandum by Richard Dormer, Police Commissioner, dated 7/18/2008;

12. Attached as ***Exhibit "K"*** are true and accurate copies of various press stories related to Kenny Lazo, dated 7/20/2008;

13. Attached as ***Exhibit "L"*** is a true and accurate copy of a letter from John Collins to Frederick K. Brewington re: "investigation into the death of Kenny Lazo," dated 11/3/2008;

14. Attached as ***Exhibit "M"*** is a true and accurate copy of the deposition transcript of Defendant Joseph A. Link, dated 5/19/2011;

15. Attached as ***Exhibit "N"*** is a true and accurate copy of the deposition transcript of Defendant James Scimone, dated 1/5/2011;

16. Attached as ***Exhibit "O"*** is a true and accurate copy of the deposition transcript of Defendant William Judge, dated 11/18/2010;

17. Attached as ***Exhibit "P"*** is a true and accurate copy of the deposition transcript of Defendant Det. John Newton, dated 1/6/2011;

18. Attached as ***Exhibit "Q"*** is a true and accurate copy of the deposition transcript of Defendant Christopher Talt, dated 5/3/2011;

19. Attached as ***Exhibit "R"*** is a true and accurate copy of an Notice of Electronic Filing from Honorable Judge Leonard Wexler to Plaintiffs' Counsel Frederick K. Brewington and Defense Counsel Stephen Lee O'Brien and Brian C. Mitchell, dated 4/8/2015;

20. Attached as ***Exhibit "S"*** is a true and accurate copy of a letter, dated May 27, 2015, from Frederick K. Brewington to Judge Wexler, with Defense Counsel Stephen O'Brien and Brian Mitchell copied;

21. Attached as *Exhibit "T"* is a true and accurate copy of the docket calendar for this matter, titled U.S. District Court Eastern District of New York (Central Islip) Civil Docket for Case No.: 2:09-cv-01023-JS-GRB.

Dated: Hempstead, New York
January 9, 2019

Respectfully submitted,

THE LAW OFFICES OF
FREDERICK K. BREWINGTON

By:


FREDERICK K. BREWINGTON

Attorney for Plaintiffs

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